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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 KEVIN POTTS,) Case No.: 1: 20-cv-01236 JLT HBK (HC)
12)
13) Petitioner,) ORDER DISMISSING THE PETITION WITHOUT
14) v.) PREJUDICE AND DIRECTING THE CLERK OF
15) DANNY SAMUEL,) COURT TO CLOSE THE CASE
16) (Docs. 86, 88)
17) Respondent.)
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Kevin Potts filed a motion to withdraw his petition without prejudice. (Doc. 86.) Respondent indicates that he “joins the pleading and stipulates to dismissal, with intent to effect self-executing dismissal of this case” pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). (Doc. 88 at 1-2.) Based upon Petitioner’s request and Respondent’s joinder, the Court construes the pleadings together to be a stipulation under Rule 41(a)(1), and finds dismissal is appropriate. Accordingly, the Court **ORDERS:**

1. This action is **DISMISSED** without prejudice.
2. The Clerk of Court is directed to terminate all pending matters and close this case.

IT IS SO ORDERED.

Dated: **July 1, 2024**


UNITED STATES DISTRICT JUDGE